



How to NOT Get Screwed™ the Wise Negotiator's Guide to Aggressive AgreeAbility™

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OK, let's start with this assumption about you and the negotiation you are going to enter into: You are an honorable person who wants what's fair. You aren't out to screw anybody, but then again, you aren't willing to get screwed, either. Sound about right? If so, then you need enough negotiation theory to make sure you don't get manipulated.

Below are eight principles that should help you prepare. However, before we start, there's one matter of pre-negotiation work you should consider to make sure you don't make a mistake and end up regretting your negotiated deal. Skilled mediators want to know the BATNA – the Best Alternative To a Negotiated Agreement. That is, if you walk away from the negotiating table, what's the best outcome you can hope for? In most cases you *don't really know*; after all, the typical BATNA is going to court. Still, you need to do some research and have an idea of the likely outcome if you do end up in court. Then you can subtract the costs of court (not just money, but also time and stress) and go into the negotiation saying to yourself, "If I get X, that'll beat going to court, and I might just do much better than that." Once you have that decided, it's time for... eight principles of The Wise Negotiator™:

Assume it's not personal (even when it's personal).

Anger and hostility are bad negotiation karma – research shows that aggressive or bullying tactics backfire.

The Wise Negotiator™ separates the person from the negotiation and refuses to react with hostility to tactics like a ridiculous low-ball offer. Rather, the skilled negotiator merely thinks, "That's an interesting strategy" and thinks through what that means for the counteroffer.

It's not where you start; it's where you finish.

A common notion is that you should never make the first offer; however, studies show that the person making the opening proposal ends up, on average, in a bit better final position.

It's hard to un-leap.

Whether you call it a game or a dance, a negotiation is a series of moves. If you rush the process, and offer too much in one leap, then you make yourself vulnerable to a less dramatic counter-move.

(For instance, let's say one side is offering \$10K to settle a dispute and the other side wants \$20K. What happens if early in the negotiation the \$10K person says, "let's just split the difference"? You might get quick agreement, but then again, the other side might say, "Well, I can't do 15, but I might consider 17." Now the person who jumped to the middle has been outmaneuvered and the debate is on the upper half of the range.)

"Never say YES and never say NO."

That's from veteran negotiator Ruth Schlossman of Washington, DC, and what she means is that every move calls for a counter-move. Simple rejection of an offer tends to frustrate the process, while quick agreement leaves the other person backtracking, feeling they offered too much. Thus, her favorite responses are "Yes, if...." and "No, but...." That way you keep the process in motion.

Never negotiate with yourself.

While you must be aware that every offer sends a message about the state of mind of the person making it, if you make a concession decision in isolation, before making an offer, the other side is unaware of your generosity.

(An example: You might feel you truly deserve 75% of the proceeds from the sale of an investment and think to yourself, "Well, I don't want to argue -- I'll just offer to split it." Fine, but know that you just gave a concession and got nothing in return. You lost the chance to ask for corresponding generosity from the other side on some other issue. If nothing else, you gave away the negotiating goodwill that comes from letting the other party know you're trying to be helpful and conciliatory.)

A range isn't a range, after all.

When you throw out a range, the other side then knows that you'll accept the end they find most favorable, so they take the best extreme as the offer, forgetting the range.

Beware "the hidden table."

Sometimes there's someone who isn't at the negotiation table who is, nonetheless, a major influence on the outcome -- that person is known as "the

hidden table.” These outside influencers can prevent agreement and are best dealt with by upfront candor.

Our motto at Agreement House™ is “leading you to a more agreeable future.”™

We try to never forget the real goal: to get a “durable agreement,” one that will stand and not result in a series of re-negotiations. The way to get there is by being open and seeking fairness, and being The Wise Negotiator™, one that knows how not to get manipulated and to instead be aggressively agreeable.

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